

PROOF

STATE OF IOWA

House Journal

TUESDAY, APRIL 19, 2011

Produced daily by the State of Iowa during the sessions of the General Assembly.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

One Hundredth Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 19, 2011

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by Father Dennis Miller, St. James Catholic Church, Forest City. He was the guest of Representative Rayhons of Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Delaney Olson, Page from Mt. Vernon.

The Journal of Monday, April 18, 2011 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huseman of Cherokee on request of Upmeyer of Hancock.

INTRODUCTION OF BILL

[**House File 686**](#), by committee on appropriations, a bill for an act relating to a state marketing and advertising expenditure plan and including effective date and retroactive applicability provisions.

Read first time and placed on the **appropriations calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 2011, passed the following bill in which the concurrence of the Senate was asked:

[House File 658](#), a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

Also: That the Senate has on April 18, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 407](#), a bill for an act relating to counties and other regulated entities and the permitting and enforcement powers of the department of natural resources in relation to the inspection and construction of certain sewage disposal systems and authorizing penalties.

Also: That the Senate has on April 18, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 424](#), a bill for an act establishing a district-to-community college program and facilities sharing pilot program.

Also: That the Senate has on April 18, 2011, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 482](#), a bill for an act relating to requirements of the department of human services involving individuals and families and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Upmeyer of Hancock, the House was recessed at 8:35 a.m., until 1:00 p.m.

The House resumed session at 1:02 p.m., Kaufmann of Cedar in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

Speaker Paulsen in the chair at 1:13 p.m.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 2011, amended and passed the following bill in which the concurrence of the House is asked:

[House File 651](#), a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Iverson of Wright on request of Upmeyer of Hancock.

ADOPTION OF [SENATE CONCURRENT RESOLUTION 7](#)

Koester of Polk called up for consideration [Senate Concurrent Resolution 7](#), as follows:

[SENATE CONCURRENT RESOLUTION 7](#)

BY COMMITTEE ON ETHICS

1 A concurrent resolution relating to the joint rules
2 governing lobbyists of the Senate and House of
3 Representatives of the Eighty-fourth General
4 Assembly.
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That Senate Resolution
7 4 and [House Resolution 12](#) are superseded by this
8 resolution and that the joint rules governing lobbyists
9 of the Senate and House of Representatives for the
10 Eighty-fourth General Assembly shall be as follows:
11 JOINT RULES GOVERNING LOBBYISTS

Rule 1

DEFINITIONS

12 As used in these rules, "client", "gift",
13 "honoraria" or "honorarium", "immediate family member",
14 and "lobbyist" have the meaning provided in chapter
15 68B of the Code. As used in these rules, the term
16 "political action committee" means a committee, but not
17 a candidate's committee, which accepts contributions,
18 makes expenditures, or incurs indebtedness in the
19 aggregate of more than seven hundred fifty dollars
20 in any one calendar year to expressly advocate the
21 nomination, election, or defeat of a candidate for
22 public office or to expressly advocate the passage or
23 defeat of a ballot issue or influencing legislative
24 action, or an association, lodge, society, cooperative,
25 union, fraternity, sorority, educational institution,

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1 civic organization, labor organization, religious
2 organization, or professional or other organization
3 which makes contributions in the aggregate of more than
4 seven hundred fifty dollars in any one calendar year
5 to expressly advocate the nomination, election, or
6 defeat of a candidate for public office or to expressly
7 advocate the passage or defeat of a ballot issue or
8 influencing legislative action.

9 Rule 2

10 REGISTRATION REQUIRED

11 1. All lobbyists shall, on or before the day their
12 lobbying activity begins, register in the manner
13 provided under section 68B.36 by filing a completed
14 lobbyist's registration form with the person or
15 persons designated by the chief clerk of the house
16 and the secretary of the senate to receive lobbyist
17 registration statements. Lobbyist registration forms
18 shall be available in the office of the chief clerk
19 of the house and the secretary of the senate. In
20 addition, the lobbyist shall file with the chief clerk
21 of the house and secretary of the senate a statement
22 of the general subjects of legislation in which the
23 lobbyist is or may be interested, the numbers of the
24 bills and resolutions and the bill number of study
25 bills, if known, which will be lobbied, whether the
26 lobbyist intends to lobby for or against each bill,
27 resolution, or study bill, if known, and on whose
28 behalf the lobbyist is lobbying the bill, resolution,
29 or study bill.

30 2. Any change in or addition to the foregoing

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1 information shall be registered with the person or
2 persons designated by the chief clerk of the house
3 and the secretary of the senate to receive lobbyist
4 registration statements within ten days after the
5 change or addition is known to the lobbyist.

6 3. Registration expires upon the commencement of
7 the next regular session of the general assembly,
8 except that the chief clerk of the house and secretary
9 of the senate may adopt and implement a reasonable
10 preregistration procedure in advance of each regular
11 session during which persons may register for that
12 session and the following legislative interim.

13 4. If a lobbyist's service on behalf of a
14 particular employer, client, or cause is concluded
15 prior to the end of the calendar year, the lobbyist may
16 cancel the registration on appropriate forms supplied
17 by the chief clerk of the house and the secretary

18 of the senate. Upon cancellation of registration, a
19 lobbyist is prohibited from engaging in any lobbying
20 activity on behalf of that particular employer, client,
21 or cause until reregistering and complying with these
22 rules. A lobbyist's registration is valid for only one
23 session of a general assembly.

24 5. If a registered lobbyist represents more than
25 one employer, client, or cause and the lobbyist's
26 services are concluded on behalf of a particular
27 employer, client, or cause after the lobbyist registers
28 but before the first day of the next legislative
29 session, the lobbyist shall file an amendment to the
30 lobbyist's registration indicating which employer,

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1 client, or cause is no longer represented by the
2 lobbyist and the date upon which the representation
3 concluded.

4 6. If a lobbyist is retained by one or more
5 additional employers, clients, or causes after the
6 lobbyist registers but before the first day of the
7 next legislative session, the lobbyist shall file an
8 amendment to the lobbyist's registration indicating the
9 employer, client, or cause to be added and the date
10 upon which the representation begins.

11 7. Amendments to a lobbyist's registration
12 regarding changes which occur during the time that the
13 general assembly is in session shall be filed within
14 one working day after the date upon which the change in
15 the lobbyist's representation becomes effective.

16 Rule 3

17 ELECTRONIC FILING

18 A lobbyist or client of a lobbyist required to
19 file information with the chief clerk of the house
20 or the secretary of the senate is required to make
21 such filings in an electronic format as directed by
22 the chief clerk of the house and the secretary of the
23 senate.

24 Rule 4

25 LOBBYIST'S CLIENT REPORTING

26 1. Each lobbyist's client shall file the reports
27 required under section 68B.38 with the chief clerk of
28 the house or the secretary of the senate.

29 2. For purposes of this rule, and the report
30 required under section 68B.38, "lobbying purposes"

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1 include but are not limited to the following:

2 a. Time spent by the lobbyist at the state capitol
3 building commencing with the first day of a legislative

4 session and ending with the day of final adjournment of
5 each legislative session as indicated by the journals
6 of the house and senate.

7 b. Time spent by the lobbyist attending meetings or
8 hearings which results in the lobbyist communicating
9 with members of the general assembly or legislative
10 employees about current or proposed legislation.

11 c. Time spent by the lobbyist researching and
12 drafting proposed legislation with the intent to submit
13 the legislation to a member of the general assembly or
14 a legislative employee.

15 d. Time spent by the lobbyist actually
16 communicating with members of the general assembly
17 and legislative employees about current or proposed
18 legislation.

19 Rule 5

20 GOVERNMENT OFFICIALS – OPPOSITION LOBBYING

21 Federal, state, and local officials who wish to
22 lobby in opposition to their departments, commissions,
23 boards, or agencies must indicate such on their
24 lobbyist registration statements.

25 Rule 6

26 PUBLIC ACCESS

27 All information filed by a lobbyist or a client
28 of a lobbyist pursuant to chapter 68B of the Code is
29 a public record and open to public inspection at any
30 reasonable time.

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1 Rule 7

2 CHARGE ACCOUNTS

3 Lobbyists and clients of lobbyists shall not allow
4 members to charge any amounts or items to a charge
5 account to be paid for by those lobbyists or clients of
6 lobbyists.

7 Rule 8

8 MEMBERSHIP CONTRIBUTIONS

9 A lobbyist or client of a lobbyist shall not
10 pay for membership in or contributions to clubs or
11 organizations on behalf of a member.

12 Rule 9

13 FEE OR BONUS PROHIBITED

14 A fee or bonus shall not be paid to any lobbyist
15 with reference to any legislative action that is
16 conditioned wholly or in part upon the results attained
17 by the lobbyist.

18 Rule 10

19 OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY

20 1. A lobbyist, an employer or client of a lobbyist,
21 or a political action committee shall not offer
22 economic or investment opportunity or promise of

23 employment to any member with intent to influence
24 conduct in the performance of official duties.
25 2. A lobbyist shall not take action intended to
26 negatively affect the economic interests of a member.
27 For purposes of this rule, supporting or opposing a
28 candidate for office or supporting or opposing a bill,
29 amendment, or resolution shall not be considered to
30 be action intended to negatively affect the economic

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1 interests of a member.
2 Rule 11
3 PERSONAL OR FINANCIAL OBLIGATION
4 A lobbyist shall not do anything with the purpose of
5 placing a member under personal or financial obligation
6 to a lobbyist or a lobbyist's principal or agent.
7 Rule 12
8 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT
9 A lobbyist shall not cause or influence the
10 introduction of any bill or amendment for the purpose
11 of being employed to secure its passage or defeat.
12 Rule 13
13 CAMPAIGN SUPPORT
14 A lobbyist shall not influence or attempt to
15 influence a member's actions by the promise of
16 financial support for the member's candidacy or threat
17 of financial support for an opposition candidate. A
18 lobbyist shall not make a campaign contribution to a
19 member or to a member's candidate's committee during
20 the time that the general assembly is in session.
21 Rule 14
22 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED
23 A lobbyist shall not communicate with a member's
24 employer for the purpose of influencing a vote of the
25 member.
26 Rule 15
27 EXCESS PAYMENTS
28 A lobbyist shall not pay or agree to pay to a member
29 a price, fee, compensation, or other consideration for
30 the sale or lease of any property or the furnishing of

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1 services which is substantially in excess of that which
2 other persons in the same business or profession would
3 charge in the ordinary course of business.
4 Rule 16
5 PROHIBITION AGAINST GIFTS
6 1. A lobbyist or client of a lobbyist shall not,
7 directly or indirectly, offer or make a gift or series
8 of gifts to any member or full-time permanent employee

9 of the house or senate or the immediate family members
10 of a member or full-time permanent employee of the
11 house or senate except as otherwise provided in section
12 68B.22 of the Code. A lobbyist or client of a lobbyist
13 who intends or plans to give a nonmonetary item, other
14 than food or drink consumed in the presence of the
15 donor, which does not have a readily ascertainable
16 value, to a member or full-time permanent employee of
17 the house or senate, prior to giving or sending the
18 item to the member or employee, shall seek approval
19 of the item from the chief clerk of the house or the
20 secretary of the senate, as applicable. A lobbyist or
21 client of a lobbyist who seeks approval of an item from
22 the chief clerk of the house or the secretary of the
23 senate shall submit the item and evidence of the value
24 of the item at the time that approval is requested.
25 2. A lobbyist shall inform each of the lobbyist's
26 clients of the requirements of section 68B.22 of the
27 Code and of the responsibility to seek approval prior
28 to giving or sending a nonmonetary item which does not
29 have a readily ascertainable value to a member or a
30 full-time permanent employee of the house or senate.

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1 Rule 17
2 FINANCIAL TRANSACTIONS
3 1. A lobbyist shall not, directly or indirectly,
4 make a loan to a member or to an employee of the house
5 or senate.
6 2. A loan prohibited under this section does not
7 include a loan made in the ordinary course of business
8 of a lobbyist if the primary business of the lobbyist
9 is something other than lobbying, if consideration of
10 equal or greater value is received by the lobbyist,
11 and if fair market value is given or received for the
12 benefit conferred.

13 Rule 18
14 HONORARIA – RESTRICTIONS
15 A lobbyist or client of a lobbyist shall not pay
16 an honorarium to a member or employee of the house or
17 senate for a speaking engagement or other formal public
18 appearance in the official capacity of the member or
19 employee except as otherwise provided in section 68B.23
20 of the Code.

21 Rule 19
22 COMPLAINTS
23 The procedures for complaints and enforcement of
24 these rules shall be the same as those provided in the
25 house or senate code of ethics.

26 Rule 20
27 PROCEDURES AND FORMS

28 The chief clerk of the house and the secretary of
29 the senate, subject to the approval of the house or
30 senate ethics committee, as applicable, shall prescribe

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1 procedures for compliance with these rules, and shall
2 prepare forms for the filing of complaints and make
3 them available to any person.

4 Rule 21

5 EFFECTIVE PERIOD

6 These rules governing lobbyists and clients of
7 lobbyists shall be in effect throughout the calendar
8 year, whether or not the general assembly is in
9 session.

10 Rule 22

11 ADDITIONAL RULES

12 The senate and the house of representatives may
13 adopt rules relating to the activities of lobbyists in
14 the senate rules and house rules that supplement these
15 joint rules.

Koester of Polk offered amendment [H-1659](#) filed by the committee on ethics and moved its adoption.

The committee amendment [H-1659](#) was adopted.

Koester of Polk moved the adoption of [Senate Concurrent Resolution 7](#), as amended.

The motion prevailed and the resolution, as amended, was adopted.

CONSIDERATION OF BILLS

Ways and Means Calendar

[Senate File 515](#), a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue, with report of committee recommending passage, was taken up for consideration.

Vander Linden of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 515](#))

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
De Boef	Deyoe	Drake	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heaton	Heddens	Hein
Helland	Horbach	Hunter	Isenhardt
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Lensing	Lofgren	Lykam
Mascher	Massie	McCarthy	Miller, H.
Miller, L.	Moore	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, S.	Olson, T.
Paustian	Pearson	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Rogers	Running-Marquardt	Sands	Schulte
Schultz	Shaw	Smith, J.	Smith, M.
Soderberg	Steckman	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Wenthe	Wessel-Kroeschell	Willems
Winckler	Windschitl	Wittneben	Wolfe
Worthan	Mr. Speaker		
	Paulsen		

The nays were, none.

Absent or not voting, 6:

Dolecheck	Forristall	Huseman	Iverson
Lukan	Swaim		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

[House File 456](#), a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas, and including effective date provisions, was taken up for consideration.

Koester of Polk offered amendment [H-1664](#) filed by him from the floor and moved its adoption.

Amendment [H-1664](#) was adopted.

[SENATE FILE 410](#) SUBSTITUTED FOR [HOUSE FILE 456](#)

Koester of Polk asked and received unanimous consent to substitute [Senate File 410](#) for [House File 456](#).

[Senate File 410](#), a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas, was taken up for consideration.

Cownie of Polk offered amendment [H-1665](#) filed by him from the floor and moved its adoption.

Amendment [H-1665](#) was adopted.

Koester of Polk offered amendment [H-1666](#) filed by him from the floor.

Steckman of Cerro Gordo offered amendment [H-1668](#), to amendment [H-1666](#), filed by her, Rayhons of Hancock, H. Miller of Webster, Iverson of Wright, and Upmeyer of Hancock from the floor.

Amendment [H-1668](#), to amendment [H-1666](#), was adopted.

Amendment [H-1666](#), as amended, was adopted.

Koester of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 410](#))

The ayes were, 88:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Berry	Brandenburg
Byrnes	Chambers	Cohoon	Cownie
Deyoe	Dolecheck	Drake	Fry
Gaines	Garrett	Gaskill	Grassley
Hagenow	Hager	Hall	Hanson
Hanusa	Heddens	Hein	Helland

Hunter	Isenhardt	Jacoby	Jorgensen
Kajtazovic	Kaufmann	Kearns	Kelley
Klein	Koester	Kressig	Lensing
Lofgren	Lykam	Mascher	Massie
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, S.	Olson, T.	Paustian	Pearson
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Rogers	Running-Marquardt
Schulte	Schultz	Shaw	Smith, J.
Smith, M.	Soderberg	Sweeney	Taylor, J.
Taylor, T.	Thede	Thomas	Van Engelenhoven
Vander Linden	Wagner	Watts	Wenthe
Wessel-Kroeschell	Willems	Winckler	Windschitl
Wittneben	Wolfe	Worthan	Mr. Speaker
			Paulsen

The nays were, 9:

De Boef	Forristall	Heaton	Horbach
Lukan	Sands	Steckman	Tjepkes
Upmeyer			

Absent or not voting, 3:

Huseman	Iverson	Swaim
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILES 103 and 456 WITHDRAWN

Koester of Polk asked and received unanimous consent to withdraw House Files 103 and 456 from further consideration by the House.

IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 410, 515** and [Senate Concurrent Resolution 7](#).

[HOUSE FILE 538](#) REREFERRED

The Speaker announced that [House File 538](#), previously referred to committee on **local government** was rereferred to committee on **ways and means**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday April 19, 2011. Had I been present, I would have voted "aye" on [Senate File 515](#).

DOLECHECK of Ringgold

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 19, 2011, he approved and transmitted to the Secretary of State the following bill:

[House File 682](#), an Act providing for congressional and legislative districts and providing an effective date.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

HOUSE OF REPRESENTATIVES STATE OF IDAHO

House Joint Memorial No. 1, received April 18, 2011.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

W. CHARLES SMITHSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House File 626](#)), relating to county and state responsibilities for mental health, mental retardation, and developmental disabilities services for adults and children, making appropriations, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 19, 2011.

RESOLUTIONS FILED

[H.R. 44](#), by Heaton, Horbach, Heddens, and M. Smith, a resolution to recognize the positive impact of the community services block grant program.

Laid over under **Rule 25**.

[H.R. 45](#), by Kaufmann, Arnold, Berry, and Gaskill, a resolution celebrating the coal-mining town of Buxton and its tradition of racial integration and harmony.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-1662</u>	<u>H.F. 651</u>	Senate Amendment
<u>H-1663</u>	<u>S.F. 493</u>	Hagenow of Polk
<u>H-1667</u>	<u>H.F. 671</u>	Watts of Dallas
<u>H-1669</u>	<u>S.F. 517</u>	Running-Marquardt of Linn
		Kajtazovic of Black Hawk
		Kressig of Black Hawk
		Wessel-Kroeschell of Story
<u>H-1670</u>	<u>S.F. 517</u>	Running-Marquardt of Linn
<u>H-1671</u>	<u>S.F. 517</u>	Running-Marquardt of Linn
<u>H-1672</u>	<u>S.F. 517</u>	Running-Marquardt of Linn
<u>H-1673</u>	<u>H.F. 678</u>	Hagenow of Polk
		Petersen of Polk

On motion by Upmeyer of Hancock the House adjourned at 1:38 p.m., until 8:30 a.m., Wednesday, April 20, 2011.